

VZCZCXRO4765  
RR RUEHBC RUEHDA RUEHDE RUEHDH RUEHIHL RUEHKUK  
DE RUEHGB #1990/01 2041514  
ZNR UUUUU ZZH  
R 231514Z JUL 09  
FM AMEMBASSY BAGHDAD  
TO RUEHC/SECSTATE WASHDC 4054  
INFO RUCNRAQ/IRAQ COLLECTIVE

UNCLAS SECTION 01 OF 02 BAGHDAD 001990

SENSITIVE  
SIPDIS

E.O. 12958: N/A

TAGS: [KCOR](#) [KDEM](#) [KCRM](#) [PGOV](#) [IZ](#)

SUBJECT: ANTI-CORRUPTION UPDATE: TRADE MINISTER'S CASE TO COURT

REF: BAGHDAD 1601 ET AL

11. (SBU) SUMMARY: In a significant ruling, the Council of Ministers clarified existing requirements regarding minister-level permission to send criminal cases against former government employees to Iraqi courts. Prime Minister al-Maliki's office subsequently announced an agreement to send the former Trade Minister's case to the judiciary. The GOI Anti-Bribery Campaign is still a work in progress. Parliament probably will not pass any anti-corruption legislation this year. END SUMMARY.

UPDATE ON THE TRADE MINISTER'S CASE - GOING TO COURT

12. (SBU) Responding to a Commission on Integrity (COI) inquiry, the Secretariat of the Council of Ministers (COM) notified the Higher Judicial Council and the COI July 20 that ministerial level permission is not required to refer to the competent court criminal cases against former government employees accused of illegal acts committed while in their official positions. This ruling clarifies executive branch application of rule 136b of the Iraqi Code of Criminal Procedure. With this ruling, Ministers cannot invoke rule 136b to end any investigation against the former employee. Following this decision, the Prime Minister's office announced that al-Maliki had agreed to forward to the courts the case of administrative and financial corruption charges against former Trade Minister Abdul-Falah al-Sudani. According to the Head of Investigations for the COI, Sajaad Maa'touk, the COI completed the investigation of the allegations against the Trade Minister and he believes there is sufficient evidence against al-Sudani. Sajaad said he does not know the Trade Minister's whereabouts, but noted he is out on bail and has no legal right to leave Iraq.

ANTI-BRIBERY CAMPAIGN

13. (SBU) Sajaad said the GOI's Anti-Bribery Campaign launched on June 1 is still in its nascent stages. Nevertheless, the COI and the Inspectors General (IGs) are coordinating well on this project and have had numerous joint committee meetings to plan their strategies. Much of the actual project implementation, including the installation of cameras and listening devices to monitor GOI employees' interaction with Iraqi citizens, has not been done. However, there has been a media campaign to make the public and GOI public servants aware that such a program will soon be a permanent part of the GOI's way of doing business. Since the June 1 kickoff, Deputy COI Commissioner Judge Ezzat Jaafer, who is coordinating the program, and committee members have conducted unannounced inspections at selected offices, including the passport and ID directorate, notary office, tax directorate, court order implementation office, and property registration directorate. In the future, the Public Distribution Program in the Trade Ministry and various offices in the Oil, Electricity, and Human Rights Ministries will be targeted. Eventually, Sajaad added, all ministry offices will be subject to this monitoring as each IG devises a plan to bring his/her ministry into the fold.

14. (SBU) Sajaad could not give examples of anyone caught in the act yet, but noted the awareness campaign itself gives employees the incentive to behave properly on the job. He did say a forgery gang that supplied 5000 certified high school diplomas for USD 3000 each had been arrested after a COI sting operation, but this arrest was the result of information obtained through a snitch, not through monitoring. He lamented that some IGs and IG investigators were weak and needed extensive training. Some also still had to obtain permission from their ministers to implement Qto obtain permission from their ministers to implement monitoring activities even though no minister had publicly objected to the campaign and the Prime Minister publicly supported it.

#### STATUS OF DRAFT ANTI-CORRUPTION BILLS AND STRATEGY

15. (SBU) Sajaad did not believe any anti-corruption legislation would emerge from the Parliament this year, although several members from smaller political parties continue to call for more anti-corruption investigations of senior government officials. He noted members of Parliament (MPs) objected to various sections of the draft laws for the Board of Supreme Audit, IGs, COI, and the draft comprehensive Anti-Corruption Law; these laws were accordingly amended. (NOTE: MPs from various political affiliations have told poloffs and the media that the Parliament's anti-corruption drive has become highly politicized in the run-up to the January 2010 elections. The Parliament has tightened the procedure for questioning ministers by requiring both the Speaker and the two Deputy Speakers to approve such action. END NOTE.).

BAGHDAD 00001990 002 OF 002

16. (SBU) Sajaad was more optimistic about the draft Anti-Corruption Strategy on which Judge Rahim Al-Ugaili, COI Acting Commissioner, is working. The COI will host in August a conference to discuss the strategy and get input from other sources, particularly the UNDP on the UN Convention against Corruption (UNCAC) obligations. UNDP is working on a GOI self-assessment and GAP analysis to help the GOI figure out what they need in order to be in compliance with their obligations under the UNCAC. The COI also wants to add new sections to the current draft related to their Anti-Bribery Campaign. They would like to finalize the draft shortly after this conference so they can forward it to the Prime Minister for his approval. (NOTE: The Anti-Corruption Coordinating Office will be invited to this conference. END NOTE.).  
FORD